

SENATE BILL 695

E2

0lr2186
CF HB 1414

By: **Senator Haines**

Introduced and read first time: February 10, 2010

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted

Read second time: March 25, 2010

CHAPTER _____

1 AN ACT concerning

2 **Criminal Procedure – Violent Offenders – Parole as Condition for Alcohol or**
3 **Drug Abuse Treatment**

4 FOR the purpose of providing that a defendant who has been sentenced to the Division
5 of Correction after being convicted of a certain violent crime is not eligible for
6 commitment for alcohol or drug abuse treatment until the defendant is eligible
7 for parole; and generally relating to the eligibility of violent offenders for drug
8 or alcohol abuse treatment.

9 BY repealing and reenacting, without amendments,
10 Article – Correctional Services
11 Section 7–301(c)
12 Annotated Code of Maryland
13 (2008 Replacement Volume and 2009 Supplement)

14 BY repealing and reenacting, without amendments,
15 Article – Health – General
16 Section 8–507(a)
17 Annotated Code of Maryland
18 (2009 Replacement Volume)

19 BY adding to
20 Article – Health – General
21 Section 8–507(p)
22 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (2009 Replacement Volume)

2 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
3 MARYLAND, That the Laws of Maryland read as follows:

4 **Article – Correctional Services**

5 7–301.

6 (c) (1) (i) Except as provided in subparagraph (ii) of this paragraph,
7 an inmate who has been sentenced to the Division of Correction after being convicted
8 of a violent crime committed on or after October 1, 1994, is not eligible for parole until
9 the inmate has served the greater of:

10 1. one-half of the inmate’s aggregate sentence for
11 violent crimes; or

12 2. one-fourth of the inmate’s total aggregate sentence.

13 (ii) An inmate who has been sentenced to the Division of
14 Correction after being convicted of a violent crime committed on or after October 1,
15 1994, and who has been sentenced to more than one term of imprisonment, including a
16 term during which the inmate is eligible for parole and a term during which the
17 inmate is not eligible for parole, is not eligible for parole until the inmate has served
18 the greater of:

19 1. one-half of the inmate’s aggregate sentence for
20 violent crimes;

21 2. one-fourth of the inmate’s total aggregate sentence;
22 or

23 3. a period equal to the term during which the inmate is
24 not eligible for parole.

25 (2) An inmate who is serving a term of imprisonment for a violent
26 crime committed on or after October 1, 1994, shall receive an administrative review of
27 the inmate’s progress in the correctional facility after the inmate has served the
28 greater of:

29 (i) one-fourth of the inmate’s aggregate sentence; or

30 (ii) if the inmate is serving a term of imprisonment that
31 includes a mandatory term during which the inmate is not eligible for parole, a period
32 equal to the term during which the inmate is not eligible for parole.

33 **Article – Health – General**

1 8-507.

2 (a) Subject to the limitations in this section, a court that finds in a criminal
3 case or during a term of probation that a defendant has an alcohol or drug dependency
4 may commit the defendant as a condition of release, after conviction, or at any other
5 time the defendant voluntarily agrees to participate in treatment, to the Department
6 for treatment that the Department recommends, even if:

7 (1) The defendant did not timely file a motion for reconsideration
8 under Maryland Rule 4-345; or

9 (2) The defendant timely filed a motion for reconsideration under
10 Maryland Rule 4-345 which was denied by the court.

11 (P) A DEFENDANT WHO HAS BEEN SENTENCED TO THE DIVISION OF
12 CORRECTION AFTER BEING CONVICTED OF A VIOLENT CRIME AS DEFINED IN §
13 14-101(A) OF THE CRIMINAL LAW ARTICLE IS NOT ELIGIBLE FOR COMMITMENT
14 UNDER THIS SECTION UNTIL THE DEFENDANT IS ELIGIBLE FOR PAROLE UNDER
15 § 7-301(C) OF THE CORRECTIONAL SERVICES ARTICLE.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2010.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.